

REMARKS/ARGUMENTS

In response to the *Final* Office Action dated August 27, 2009, Applicants respectfully request reconsideration.

Interview After Final

On October 28, 2009, the Examiner granted an interview to discuss the Office Action of August 27, 2009. The Examiner agreed that the Office Action failed to present a prima-facie case of obviousness. The Examiner recommended that Applicants prepare a response after final requesting reconsideration for the reasons discussed below. As any interview after final is discretionary, this opportunity was truly appreciated.

Claim Rejections Under 35 U.S.C. §103

Claims 1-5, 7, 8, 10-14, 16, 20-26 and 28-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2003/0061335 (Thomas) in view of U.S. Pat. No. 6,609,158 (Nevarez).

Claims 1-5, 7-8, 10-14, 16, 32 and 33

Applicants submit that claims 1-5, 7-8, 10-14, 16, 32 and 33 are patentable over Thomas in view of Nevarez.

Independent claim 1 recites a system for use with electric equipment. The system includes an interface-provisioning device coupled to memory and a second I/O device and configured to convey a computer-executable program, configured to be executed by a remote computer to provide a computer interface, toward the remote computer via the second I/O device and a communication network.

The Office Action states that "Thomas does not explicitly teach: the second I/O device communicating with a remote computer; the program being executed by a remote computer; and conveying the program toward the remote computer." *Office Action*, at page 3.

second paragraph. The Office Action, however, equates a remote provider 246 of Nevarez to the recited second I/O device and apparently equates an remote objects to the recited computer-executable program to provide a computer interface.

Col. 10, ll. 39-53 of Nevarez provide:

A remote provider 246 provides object access through a remote bridge 248 and the UCS product 224. The remote provider 246 may provide access, for instance, to an OLE component 236 by using remoting technology to get through to a Windows NT or OLE server 106. This may include tunneling through an "NSAPI" Netscape web server API and/or an "ISAPI" Windows NT web server API. The remote provider 230 (sic 246) accepts calls from the object model adapter 246 (sic 230), uses standard network technology such as the remote bridge 248 to contact remote objects, and relays parameters and results. The remote provider 230 (sic 246) may communicate via the network with another remote provider 246 at the remote location, or it may communicate with another object model provider (e.g., provider 242, 238, or 232), or with remote UCS product code as illustrated. (emphasis added). *Nevarez*, col. 10, ll. 39-53.

Nevarez thus describes that the remote provider 246 provides access to objects , but access to objects of Nevarez is not equivalent to conveying an executable program to provide a computer interface. Instead, the remote provider of Nevarez accepts calls from remote devices and relays parameters and results. Further, Nevarez discusses that "the UCS architecture 200 ... provides versatility by letting a programmer use any programming language in the system to access any reusable component in the system ... [and] the USC architecture 200 provides a middle-tier solution for development on the NetWare platform. *Id.*, at Col. 10, line 63 to Col. 11, line 12.

The system of Nevarez is for developing programs, not for conveying completed computer-executable programs to provide a computer interface, as required by claim 1. Thomas and Nevarez do not teach, disclose or suggest, alone or in combination, to convey a computer-executable program, configured to be executed by a remote computer to provide a computer interface, toward the remote computer via the second I/O device and a communication network,

as recited in claim 1. Thus, for at least these reasons, independent claim 1, and claims 2-5, 7-8, 10-14, 16, 32 and 33 that depend from claim 1, are patentable over Thomas in view of Nevarez.

Claims 20-26, 28 and 29

Applicants submit that claims 20, 22-26, 28 and 29 are patentable over Thomas in view of Nevarez.

Independent claim 20 recites a method of providing information regarding electronic equipment. The method includes attempting, at the first device, to determine whether the requesting device currently stores a desired version of a computer-executable user-interface program.

Neither Thomas nor Nevarez teaches a method including attempting, at the first device, to determine whether the requesting device currently stores a desired version of a computer-executable user-interface program, as required by claim 20. The Office Action, at page 6, cites paragraphs [0022] and [0023] as allegedly teaching to determine whether a desired version of an interface application is stored. But, these paragraphs discuss that an inter-process server 52 is provided through a Human Machine Interface (HMI) and a configuration and control interface for the inter-process server is provided through the server application windows menu. *Thomas*, at paragraph [0022], lines 6-10. This discussion of providing a configuration and control interface does not teach attempting to determine whether the requesting device currently stores a desired version of a computer-executable user-interface program.

Nevarez is not cited for teaching these limitations and Applicants submit that Nevarez does not make up for the deficiencies of Thomas. Neither Thomas nor Nevarez teach or suggest attempting, at a first device, to determine whether a requesting device currently stores a desired version of an executable program. For at least these reasons, independent claim 20, and claims 21-26, 28 and 29 that depend from claim 20, are patentable over Thomas in view of Nevarez.

Claims 30 and 31

Applicants submit that claims 30 and 31 are patentable over Thomas in view of Nevarez.

Independent claim 30 recites a computer program product residing on a computer-readable medium and comprising computer-readable and computer-executable instructions for causing a computer to determine whether a desired version of the interface-producing program is stored in association with a first device.

Neither Thomas nor Nevarez teaches or suggests computer-readable and computer-executable instructions for causing a computer to determine whether a desired version of the interface-producing program is stored in association with the first device. As discussed above in reference to claim 20, Thomas's discussion of an inter-process server 52 provided through a Human Machine Interface (HMI) and a configuration and control interface for the inter-process server provided through the server application windows menu does not teach this limitation.

Nevarez is not cited for teaching these limitations and Applicants submit that Nevarez does not make up for the deficiencies of Thomas. Neither Thomas nor Nevarez teach or suggest computer-readable and computer-executable instructions for causing a computer to determine whether a desired version of the interface-producing program is stored in association with the first device. For at least these reasons, independent claim 30 is patentable over Thomas in view of Nevarez. For at least these same reasons, claim 31, that depends from claim 30, is also patentable over Thomas in view of Nevarez.

Claim 31 is further patentable over Thomas in view of Nevarez because neither Thomas nor Nevarez teaches or suggests that the computer-readable and computer-executable instructions are configured to cause the computer to access a remote server and download the desired version of the interface-producing program if the computer program product fails to cause the computer to determine that the desired version of the interface-producing program is stored in association with the first device. Neither Thomas nor Nevarez teaches conveying a computer-executable interface producing program from a first device to a second device, nor do

Thomas or Nevarez teach to determine that a desired version of the interface-producing program is stored in association with the first device. Additionally, Thomas and Nevarez do not teach that computer-readable and computer-executable instructions are configured to cause the computer to access a remote server and download the desired version of the interface-producing program if the computer program product fails to cause the computer to determine that the desired version of the interface-producing program is stored in association with the first device. For at least these additional reasons, claim 31 is allowable over Thomas in view of Nevarez.

Claims 9, 17 and 19

Claims 9 and 17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thomas and Nevarez as applied above, in view of U.S. Pat. No. 6,459,175 (Potega).

Claim 9

Claim 9 is patentable over Thomas and Nevarez in view of Potega. Potega does not make up for the deficiencies of Thomas and Nevarez as discussed above in reference to claim 1. Thus, for at least the reasons discussed above in reference to claim 1, from which claim 9 depends, claim 9 is patentable over Thomas and Nevarez in view of Potega.

Claims 17 and 19

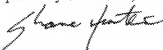
Claims 17 and 19 are patentable over Thomas and Nevarez in view of Potega. Independent claim 17 recites an uninterruptible power supply (UPS) system. The system includes an interface-provisioning means for conveying the computer-executable program toward the remote computer via a second input/output device and a communication network. Neither Thomas nor Nevarez teaches or suggests an interface-provisioning means for conveying a computer-executable program toward the remote computer via the second input/output device and the communication network. Potega also does not teach these features. Thus, Applicants submit that independent claim 17, and claim 19 that depends from claim 17, are patentable over Thomas and Nevarez in view of Potega.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



Shane Hunter
Reg. No. 41,858

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
S111:j11
62233587 v1